

United States Courts
Southern District of Texas
FILED

DEC 20 2021

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Nathan Ochsner, Clerk of Court

In Re:

Cedric Demans Bell,

Debtor

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Case No. 18-35480-H5-13

APPLICATION FOR APPROVAL OF ATTORNEY'S FEES AND EXPENSES
UNDER RULE 2016

A HEARING HAS BEEN SET ON THIS MATTER ON JANUARY 19, 2022 AT 1:30 P.M. IN COURTROOM 403, 515 RUSK, HOUSTON, TX 77002.

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

To the Honorable Jeffrey P. Norman, United States Bankruptcy Judge:

COMES NOW, the undersigned attorney, with this Application for Approval of Attorney's Fees and Expenses under Rule 2016, and respectfully requests this Honorable Court to approve attorney's fees and expenses incurred in conjunction with the representation and subsequent settlement of the personal injury lawsuit and workers' compensation appeal of Cedric Demans Bell, Debtor, and in support hereof shows the Honorable Court as follows:

1. On October 1, 2018, Debtor filed the instant Chapter 13 petition [Dkt. No. 1].

2. The employment of Gilbert Garza and the Adley Law Firm Ltd, LLP to represent Debtor in connection with the personal injury lawsuit and workers' compensation appeal was previously approved by this Court on May 17, 2021 [Dkt. No. 65].

3. This Court previously approved the settlements of Cause No. 2020-22696; *Cedric Bell, et al. v. Solomon Simpson, et al.*; In the 215th Judicial District of Harris County, Texas; and Cause No. 2020-43703; *Cedric Bell v. New Hampshire Insurance Company*; In the 190th Judicial District of Harris County, Texas [Dkt. No. 70].

4. This is the undersigned's first application for attorneys' fees and expenses. Neither the undersigned nor his firm received a retainer from Debtor.

5. Debtor first retained the undersigned in May 2018. A contingency fee arrangement was agreed upon by Debtor and the undersigned. The undersigned represented Debtor in the personal injury lawsuit and in the workers' compensation appeal. Representation of Debtor included, among other things, the following:

- a. gathering relevant medical and billing records and other documents prior to filing the lawsuit and appeal;
- b. making demand and negotiating with the defendants in both cases prior to filing the lawsuit and appeal;
- c. filing the lawsuit and the appeal in state court;
- d. serving written discovery in both cases;
- e. responding to written discovery in both cases;
- f. gathering and filing medical and billing records with affidavits in both cases;
- g. presenting Debtor for deposition;

- h. taking depositions, including an expert witness;
- i. motion practice; and
- j. preparing for and attending mediation.

6. The undersigned became a licensed attorney in 2001 and is admitted to practice before all state courts in Texas and the Southern District of Texas. The undersigned has significant experience in handling litigation matters of the types described in this Application. Debtor has selected the undersigned because of his prior experience and specialization in workers' compensation and personal injury litigation.

7. Debtor negotiated a settlement for the sum of \$120,000.00. This Court previously approved a payment in the amount of \$29,000.00 to New Hampshire Insurance Company as reimbursement for Debtor's workers' compensation benefits. This Court also approved a payment in the amount of \$23,675.00 to Debtor as his exempt property, and \$1,112.24 to the Chapter 13 Trustee as non-exempt proceeds, totaling \$24,787.24.

8. This Court also ordered that the portion of the settlement funds to be disbursed to the Adley Law Firm Ltd, LLP for attorney's fees and case expenses be held in trust pending the filing and approval of this Application.

9. Under the contingency fee agreement signed by Debtor, the undersigned is entitled to the sum of \$48,000.00 to be paid to the Adley Law Firm Ltd, LLP for attorney's fees, which represents 40% of the total settlement. The contingency fee will not be shared, as there is no referring attorney or otherwise associated attorney representing Debtor in the personal injury lawsuit or the workers' compensation appeal.

10. During the course of handling the case, expenses were incurred in the sum of \$18,212.76, which are itemized as follows:

- a. \$13,217.26 to Americana Injury Clinic under a letter of protection for health care treatment received by Debtor;
- b. \$500.00 to Omar Vidal, MD under a letter of protection for health care treatment received by Debtor;
- c. \$1,902.00 to Woodlands Emergency Physicians for health care treatment received by Debtor;
- d. \$2,074.55 to the Adley Law Firm Ltd, LLP for filing fees, service of process fees, payment for obtaining medical and billing records with affidavits, legal research fees and mediation fee; and
- e. \$518.95 to the Adley Law Firm Ltd, LLP for postage, copies, faxes and scans.

11. WHEREFORE, the undersigned respectfully requests that this Court grant this Application for Approval of Attorney's Fees and Expenses under Rule 2016; approve the attorney's fees and expenses as set forth herein; and grant such other and further relief to which Debtor and the undersigned may show themselves to be entitled.

Respectfully submitted,

ADLEY LAW FIRM LTD, LLP

/s/ Gil Garza

By: _____
Gilbert Garza
TX Bar No. 24032221
SDOT Bar No. 34772
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Houston, Texas 77002
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SPECIAL COUNSEL FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application to Approve Attorney's Fees and Expenses under Rule 2016 has been served either electronically or by United States First Class Mail on this 16th day of December, 2021 to the following parties and the affected creditors listed below:

UNITED STATES TRUSTEE

United States Trustee
515 Rusk, Ste. 3516
Houston, TX 77002

CHAPTER 13 TRUSTEE

William E. Heitkamp
9821 Katy Freeway, Suite 590
Houston, TX 77024

DEBTOR

Cedric Demans Bell
14000 Ella Boulevard #401
Houston, TX 77014

ATTORNEYS FOR DEBTOR

Kenneth A. Keeling
Keeling Law Firm
3310 Katy Freeway, Suite 200
Houston, Texas 77007-3603

CREDITOR(S)

Ally Financial, Inc.
c/o CT Corporation System
Registered Agent
1999 Bryan St., Ste. 900
Dallas, Texas 75201-3140

Credit One Bank
ATTN: Bankruptcy
P.O. Box 98873
Las Vegas, NV 89193-8873

Internal Revenue Service
P. O. Box 7346
Philadelphia PA 19101-7346

Midland Funding, LLC
P. O. Box 2011
Warren, MI 48090-2011

Jefferson Capital Systems LLC
P. O. Box 7999
Saint Cloud MN 56302-7999

LVNV Funding, LLC
Resurgent Capital Services
P. O. Box 10587
Greenville, SC 29603-0587

Premier Bankcard, LLC
Jefferson Capital Systems LLC
Assignee
P. O. Box 7999
Saint Cloud, MN 56302-7999

T Mobile/T-Mobile USA, Inc.
By American InfoSource LP as agent
P.O. Box 248848
Oklahoma City, OK 73124-8848

Ally Financial
P. O. Box 130424
Roseville, MN 55113-0004

Portfolio Recovery
P. O. Box 41021
Norfolk, VA 23541-1021

Regional Fin
1420 FM 1960 Bypass Rd. East
Humble, Texas 77338-3934

Internal Revenue Service
Centralized Insolvency Operation
P. O. Box 7346
Philadelphia, PA 19101-7346

Attorney General of the U.S.
Department of Justice
10th & Constitution, N.W.
Washington, DC 20530-0001

District Counsel
Internal Revenue Service
8701 Gessner, Suite 710
Houston, Texas 77074-2944

United States Bankruptcy Court
P. O. Box 61010
Houston, Texas 77208-1010

Citimortgage, Inc.
c/o BDFTE, LLP
4004 Belt Line Rd., Ste. 100
Addison, TX 75001-4320

LVNV Funding, LLC its
successors and as assignee of
FFPM Carmel Holdings I, LLC
as agent
Resurgent Capital Services
P. O. Box 10587
Greenville, SC 29603-0587

T Mobile/T-Mobile USA, Inc.
By American InfoSource
P.O. Box 248848
Oklahoma City, OK 73124-8848

Portfolio Recovery Associates, LLC
P. O. Box 12914
Norfolk VA 23451

Midland Funding LLC
P. O. Box 2011
Warren MI 48090-2011

Ally Financial, Inc.
Attn: Mr. David P. Shevsky, CEO
500 Woodward Avenue
Detroit, MI 48226-3416

Citimortgage
Attn: Centralized Bankruptcy
P. O. Box 9438
Gettysburg, MD 20898-9438

First Premier Bank
Attn: Bankruptcy
P. O. Box 5524
Sioux Falls, SD 57117-5524

U.S. Bank NA dba
Elan Financial Service
Bankruptcy Department
P. O. Box 108

Jefferson Capital Systems, LLC
P. O. Box 7999
St. Cloud MN 56302

Internal Revenue Service
Centralized Insolvency
Operations
P. O. Box 7346
Philadelphia, PA 19101-7346

Portfolio Recovery Associates, LLC
P. O. Box 41067
Norfolk, VA 23541-1067

Speedy/Rapid Cash
P. O. Box 780408
Wichita, KS 67278-0408

Internal Revenue Service
Special Procedure
STOP 5022 HOU
1919 Smith Street
Houston, Texas 77002

Texell Credit Union
Attn: Bankruptcy
P. O. Box 983
Temple, TX 76503-0983

US Attorney's Office
1000 Louisiana, Suite 2300
Houston, Texas 77002-5010

St. Louis MO 63166-0108

U.S. Attorney
Southern District of Texas
910 Travis, Suite 1500
P. O. Box 61129
Houston, Texas 77208

LVNV Funding, LLC its
successors and as assignee
of Household Bank (SB), N.A.
Resurgent Capital Services
P. O. Box 10587
Greenville, SC 29603-0587

TXU Energy Retail Company, LP
CO Bankruptcy Department
P. O. Box 650393
Dallas, Texas 75265-0393

Texas Workforce Commission
Regulatory Integrity Division, SAU
101 E. 15th Street, Room 556
Austin, Texas 78778-0001

TXU Energy
P. O. Box 650638
Dallas, Texas 75265-0638

Timbers of Cranbrook
1400 Ella Blvd.
Houston, Texas 77014

Cedric Demans Bell
P. O. Box 62938
Houston, Texas 77205-2921

/s/ Gil Garza

GILBERT GARZA

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re:

Cedric Demans Bell,

Debtor

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Case No. 18-35480-H5-13

**ORDER GRANTING APPLICATION FOR APPROVAL OF ATTORNEY'S FEES AND
EXPENSES UNDER RULE 2016**

The Court, having considered the Application for Approval of Attorney's Fees and Expenses under Rule 2016, and it appearing that due and sufficient notice of the Motion has been provided, is of the opinion that the requested relief should be GRANTED.

Accordingly, it is therefore

ORDERED THAT:

1. Attorney's fees and expenses be approved as follows:
 - (1) \$48,000.00 to be paid to the Adley Law Firm Ltd, LLP for attorneys' fees;
 - and
 - (2) \$18,212.76 to be paid to the Adley Law Firm Ltd, LLP for case expenses.

SIGNED _____, 20__.

**THE HONORABLE JEFFREY P. NORMAN,
UNITED STATES BANKRUPTCY JUDGE**